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C O N F I D E N T I A L CARACAS 001346

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E.O. 12958: DECL: 04/21/2014
TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [VE](#)
SUBJECT: CNE ANNOUNCES SIGNATURE APPEALS PROCESS FOR MAY
28-30

REF: A. CARACAS 1267
 [1B](#). CARACAS 1247

Classified By: Abelardo A. Arias, Political Counselor,
for Reasons 1.4(d).

Summary

[11.](#) (C) The National Electoral Council (CNE) said on April 21 it will hold the appeals process May 27-31 for signatures collected in support of the presidential recall referendum. The CNE board approved regulations governing the appeals ("reparos") but did not immediately release the text. The CNE declared 1.9 million of the signatures collected in November 2003 valid, rejected 375,241, and put another 1.19 under "observation." The Coordinadora Democratica is waiting for the CNE to deliver a definitive database of the signature results, expected by April 23, before deciding the feasibility of the proposed appeals process. Several opposition figures, however, have already criticized the agreement. Depending on what else the CNE tells the opposition later this week, Julio Borges believes the opposition would have at best a 50/50 chance of winning enough signatures. The GOV will likely raise new obstacles.
End summary.

CNE Makes Another Preliminary Announcement

[12.](#) (U) The National Electoral Council (CNE), just after midnight on April 21, announced that it had approved regulations for the process to appeal the results of the signature drive in support of a recall referendum against President Hugo Chavez. CNE President Francisco Carrasquero announced adjusted totals for the signature drive: 1,919,965 valid (short of the 2.4 million needed); 375,241 rejected (not in the electoral registry); and 1,192,914 eligible for the appeals process. (Note: All signatures except for those not in the electoral registry may be appealed, including signatures of those who claim they did not sign or wish to recant.) Carrasquero said the appeals process ("reparos") would take place May 27-31. The first and last days are for set-up and break down. Carrasquero said these dates would allow a presidential referendum to take place on August 8 if the opposition meets the legal threshold. (The appeals process for deputies will take place May 21-23, he added.)

[13.](#) (U) CNE Director Jorge Rodriguez told reporters there would be 2,659 centers established for appeals. The centers will be open for twelve hours each day and may remain open on the last day as long as there is a line. Centers will be equipped with between one and three tables based on the number of potential signers, and staffed by more than 23,000 workers and alternates.

Negotiators Wait For Smoke To Clear

[14.](#) (C) Coordinadora Democratica (CD) negotiators Felipe Mujica and Alberto Quiros told poloff April 21 they had reached the agreement the day before with Rodriguez, who then had to submit the appeals regulations to the CNE board. Minor changes had been made, Quiros said, though the approved draft had not yet been circulated. Quiros believes the opposition can win the appeals process, though he admitted it would be difficult. For example, he noted the opposition will have to collect 500,000 signatures in states controlled by pro-Chavez parties.

[15.](#) (C) Mujica predicted the opposition would not come to a decision regarding the appeals process until the week of April 26, after it had had a chance to analyze the CNE's data base. Rodriguez said the CNE will deliver to the opposition on April 23 the official data base of signatures for the

appeals process. Mujica said that Henrique Salas Romer's party, Proyecto Venezuela (PV), is likely not to support the CD. Diez said he had spoken with Primero Justicia (PJ) leaders, who said they wanted to study the details before giving an opinion. Quiros also noted that the NGO Sumate believes the appeals process as proposed is not viable. The OAS chief observer Marcelo Alvarez and Diez told the opposition negotiators they believed the process is feasible for the opposition.

Judicial Avenue a Dead End?

16. (C) Mujica said several opposition groups still hold out hope that the Electoral Chamber of the Supreme Court (TSJ) will prevail upon the CNE to force the referendum. Mujica described the motives of these groups as a mix of political calculations (Proyecto Venezuela) and principled stands (civil society groups). Mujica argued publicly April 21 that the political avenue does not preclude the judicial route, though he does not believe the latter will succeed. Mujica urged the opposition not to lose the opportunity of the appeals process for hope of a judicial resolution.

International Observers At The Ready

17. (C) The Carter Center's Diez said he had already spoken with Rodriguez about providing an audit for the appeals process. Alvarez said the OAS would bring some 30 observers if the appeals process takes place. Both representatives said their organizations would avoid public statements over the next few days as the details of the appeals process are analyzed. Rodriguez told reporters the CNE planned to invite the OAS and TCC, in addition to the UNDP, the head of the Uruguayan electoral authority, and a number of prestigious individuals.

Comment

18. (C) On its face, the proposed appeals process appears workable, but it does not bring the opposition as close as they would like to a formula for getting the number of signatures needed to activate the referendum. Reaching the more than 2.4 million signature threshold will not come without difficulty -- PJ President Julio Borges told DCM (septel) the opposition would have only a 50/50 chance even if the GOV played fair, which it will not. The CNE has proven its ability to manipulate this process (ref a), and there are a number of as-yet-undefined points that could whittle the opposition's ability to revalidate signatures even further. The decision moves the ball down the field and now puts pressure on the opposition to face one of the most crucial decisions in its battle against Chavez. We can expect some minor opposition voices to denounce the appeals process; the traditional political parties will likely stay on board; Salas Romer's PV continues to oppose acceptance of reparos.

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2004CARACA01346 - CONFIDENTIAL